IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18714 of 2004

Between:

M/s. Om Sai Bhavani Communication Net Works, Represented by its Partner, Mr. C. Nagesh Kumar, S/o. C. Tulijaram, aged 35 years, R/o. 6-2-25/6, Near Sangameshwara Temple,
Old Bus Stand, Sanga Reddy - 502 001.

..... PETITIONER

AND

1 The Sub Divisional Magistrate-cum-Revenue Divisional Officer, Sanga Reddy Division, Medak District.
2 The District Collector, Medak at Sanga Reddy
3 Sri B. Srikanth Reddy, Distributors for Gemini & Teja T.V. Sanga Reddy Division

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents in not providing the Decoder Boxes for Gemini and Teja pay Channels as arbitrary, illegal and violative of Petitioner's Fundamental Rights guaranteed under Article 14, 19 and 21 of the Constitution of India in the interest of Justice.

Counsel for the Petitioner:MR.MILIND G GOKHALE

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard both sides.

Petitioner, who is a partner of M/s Om Sai Bhavani Communication Net Works, has been running the business of cable net woks in and around Sanga Reddy. In the month of December, 2002, Gemini and Teja Channels were converted into pay channels and in pursuance of an advertisement, the petitioner approached the third respondent, who is the distributor appointed by Gemini and Teja Television for Sangareddy area, for supply of 'D' code boxes, but the petitioner was supplied the 'D' code boxes in the name of Sangareddy Communications, owned by the third respondent. In December, 2003, the 'D' code boxes were returned to the third respondent for changing the firm name and thereafter the third respondent failed to supply the 'D' Code boxes in the name of the petitioner firm. Therefore, the matter was brought to the notice of the first respondent, by way of a complaint dated 16.06.2004. Though the second respondent, through his orders dated 07.07.2004, directed the third respondent to supply the 'D' Code boxes to the petitioner firm, on payment of requisite charges, the third respondent instead of complying the said direction, filed a representation dated 09.07.2004 before the second respondent refusing to supply the 'D' code boxes to the petitioner. Thereupon, as per the notice dated 02.08.2004 got issued by the first respondent, the petitioner and third respondent appeared before him, but the third respondent did not supply 'D' code boxes to the petitioner on the ground that no stay order was granted by the Joint Collector on the representation dated 09.07.2004 made by the third respondent. Hence the writ petition.

Having heard the learned counsel on either side and having perused the material available on record, I am of the opinion that the dispute between the

petitioner and the third respondent can be resolved only by the competent civil Court. In the absence of any statutory right of the petitioner being violated and the learned counsel failed to satisfy the authority under which the second respondent directed the third respondent to supply 'D' code boxes to the petitioner and traceable to any statutory power, no *mandamus* can be granted in favour of the petitioner. If the petitioner has any enforceable right against the third respondent, the proper remedy available for him is to move the competent civil Court in accordance with law.

The writ petition is accordingly dismissed.

12.10.2004

ksld

To

1 The Sub Divisional Magistrate-cum-Revenue Divisional Officer, Sanga Reddy Division, Medak District.

2 The District Collector, Medak at Sanga Reddy

3 Two CCs to the Govt. Pleader for Revenue, High Court of A.P., Hyderabad (OUT).

4 Two CD copies.